

SVP

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 MAY -5 AM 11:48

UNITED STATES OF AMERICA,

) Magistrate Docket No. 08 MJ 1241-4

Plaintiff,

)

v.

)

Eleazar FELIX-Olivas,

)

Deported Alien Found in the

United States

Defendant

)

)

The undersigned complainant, being duly sworn, states:

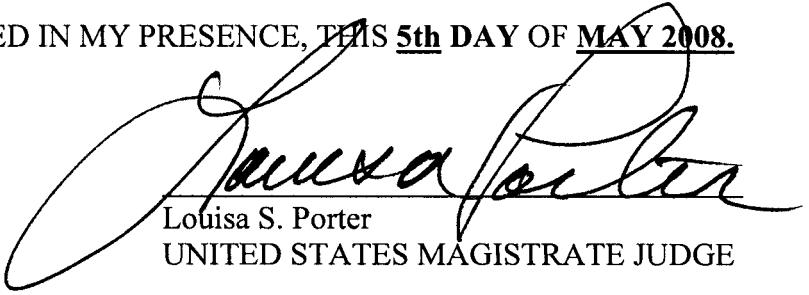
On or about **May 2, 2008**, within the Southern District of California, defendant, **Eleazar FELIX-Olivas**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

Terri L. Dimolios

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 5th DAY OF MAY 2008.
Louisa S. Porter

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Eleazar FELIX-Olivas

SAC

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On May 2, 2008, at approximately 2:50 P.M., Border Patrol Agents J. Petras and D. Penta of the San Diego Sector Smuggling Interdiction Group were performing duties as assigned and were monitoring southbound foot-traffic going into Mexico at the San Ysidro, California Port of Entry. Both Agents Petras and Penta were dressed in plain clothes with neither guns nor badges visible and were standing on the sidewalk north of the inspection area observing individuals as they approached the inspecting agents that were positioned south of them.

Agent Penta noticed a Hispanic male walking south towards the southbound pedestrian gate approximately fifty yards north of the United States/Mexico International Border and approximately 50 yards west of the San Ysidro Port of Entry. Agent Penta observed that upon seeing the inspecting Customs and Border Protection Officers ahead of him, the Hispanic male began acting in a suspicious manner as he neared the inspecting agents he quickly looked down as he walked and began walking faster, possibly in an attempt to get by without having to speak to the agents.

Agent Petras also observed that the man appeared to be attempting to walk as far from the uniformed officers as possible by walking along the outer edge of the sidewalk. The male subject did not notice Agent Petras and kept walking towards him. Agent Petras approached the male subject, later identified as the defendant **Eleazar FELIX-Olivas**, identified himself as a Border Patrol Agent by presenting his Department of Homeland Security issued badge and credentials and questioned the defendant as to his citizenship and nationality.

The defendant freely and willingly admitted to being a citizen of Mexico, illegally in the United States and without being in possession of any immigration documents that would allow him to be or remain here legally. The defendant also stated that he had been deported recently for re-entering the United States illegally. Agent Petras arrested the defendant for illegal entry and arranged for him to be transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on April 1, 2008**, through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

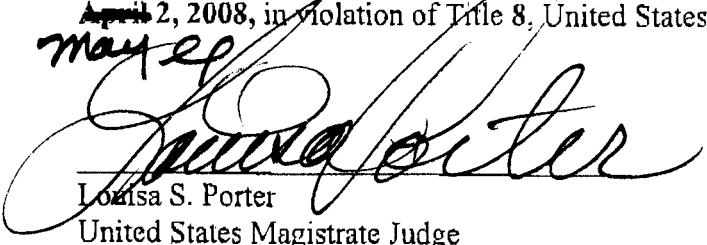
The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant stated that he is a citizen and national of Mexico, illegally present in the United States without any immigration documents allowing him to enter, be, or remain in the United States legally. The defendant stated that he was deported by an Immigration Judge in Eloy, Arizona. The defendant stated that he has not applied for permission to legally enter the United States.

Executed on May 4, 2008, at 9:30 A.M.

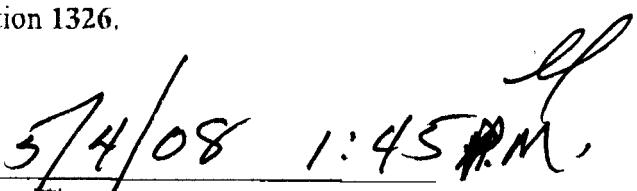


Terri L. Dimolios
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on ~~April~~ 2, 2008, in violation of Title 8, United States Code, Section 1326.


Loisisa S. Porter
United States Magistrate Judge

Date/Time


5/4/08 1:45 P.M.